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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2624	5

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/433,741	MURATA, YUKIO	
	Examiner	Art Unit	
	Negussie Worku	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-36, have been considered but are moot in view of the new ground(s) of rejection. The current office action is none-final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-36, are rejected under 35 U.S.C. 102(e) as being anticipated by Sakai et al. (USP 6,493,757).

With respect to claim 1, Sakai et al. discloses a document scanning device (shown 1 and 2), comprising: scanning means (1 of fig 4) for scanning an image on a document (102 of fig 1); generating means (processor 121 of fig 4), for generating image data based on the scanned image (102 of fig 1); transfer means (facsimile unit 4 of fig 4), for transferring the image data from said scanning means (read unit 1 of fig 4); selection means (CPU 123 of fig 4, as a transfer destination switching means), for selecting a transfer mode for transferring the image data by said transfer means, see

(col.5, lines 35-37); and control means (3 of fig 1) for controlling a scanning operation of said scanning means (read unit 1 of fig 1, see col.3, line 54-55), in accordance with the transfer mode selected by said selection means (CPU 123 of fig 4, see col.5, lines 35-37 of fig 3).

With respect to claim 2, Sakai et al. discloses the document scanning device (1 of fig 4) wherein said control means (3 of fig 1, controls the speed of scanner unit 1 of fig 1) controls the scanning speed of said scanning means, see (col.11, lines 25-27).

With respect to claim 3, Sakai et al. discloses the document scanning device (1 of fig 4) further comprising an interface (interface 120 of fig 4) for establishing a connection to an image processing apparatus, (121 of fig 4) wherein said transfer means (facsimile 4 of fig 4, transfer data via telephone line, as shown in fig 1) transfers the image data to said image processing apparatus (121 of fig 4) via said interface (I/F 120 of fig 4).

With respect to claim 4, Sakai et al. disclose the document scanning device (as shown fig 1), wherein said selection means (CPU 123 of fig 4, see col.5, lines 35-37), selects the transfer mode in accordance with parameters of said interface (interface 120 of fig 4).

With respect to claim 5, Sakai et al. discloses the document scanning device (as shown in fig 4) wherein said selection means ((CPU 123 of fig 4, see col.5, lines 35-37 of fig 3), selects the transfer path based on an instruction from said image processing apparatus (121 of fig 4) via said interface (interface 121 of fig 4).

With respect to claim 6, Sakai et al. discloses an image processing apparatus (as shown in fig 1 and 2) comprising: input means (1 of fig 4) for inputting image (102 of fig 1) data; transfer means (CPU 123 of fig 4, see col.5, lines 35-37 of fig 3), transfer for transferring the image data input by said input means (1 of fig 1); determination means (CPU 114 of fig 3) for determining whether the image data input by said input means (1 of fig 3) are binary data per pixel or multilevel data per pixel, see (the contents such as values set at the operating unit, col.4, lines 55-58); and control means (input/output control unit 3 of fig 3, see col.4, lines 53-55) for controlling a transfer path (data destination) for the image by said transfer means (facsimile 4 of fig 4) in accordance with a determination result by said determination means (CPU 114 of fig 3, see col.4, lines 64-66).

With respect to claim 7, Sakai al. discloses the image processing apparatus (as shown in fig and 4) wherein said input means (1 of fig 4) inputs the image data obtained by scanning an image on a document (102 of fig 1).

With respect to claim 8, Sakai et al. discloses the image processing apparatus (as shown in fig 1 and 2) further comprising an interface (computer inter face unit 7 of fig 4) for establishing connection to another image processing apparatus, (11 of fig 1) wherein said transfer means (facsimile 4 of fig 4) transfers the image data to the other apparatus via said interface (I/F 120 of fig 4).

With respect to claim 9, Sakai et al. discloses the image processing apparatus (as shown in fig 1 and 2) wherein said control means (controller 3 of fig 1) selects the transfer path in accordance with parameters of said interface (interface 122 of fig 4).

With respect to claim 10, Sakai et al. discloses the image processing apparatus (as shown in fig 1 and 2), wherein said determination means (determining means 1202 of fig 10) determines, see (col.7, lines 40-45), based on an instruction received from said another image processing apparatus (100 of fig 10) received via said interface (LAN 1300 of fig 5), whether the image data input by said input means (reader 1 of fig 5) are binary data per pixel or multilevel data per pixel, see (the contents such as values set at the operating unit, col.4, lines 55-58).

With respect to claim 11, Sakai et al. discloses a document scanning device (as shown in fig 1 and 2) comprising: a scanner (read unit 1 of fig 4) which scans an image

on a document (102 of fig 12) and generates image data based on the image (CCD 109 of fig of fig 2, generate the image based on the document 102 of fig 2); a transmitter (facsimile 4 of fig 1, via a telephone line of fig 1) which transmits the image data from said scanner (1 of fig 1); a selector (CPU 123 of fig 4, see col.5, lines 35) which selects a transmission speed for transmitting the image data by said transmitter, see col.11, lines 25-30); and a controller (10 of fig 5, see col.4, lines 1-3) which controls a scanning operation of said scanner (211 of fig 1) in accordance with the transmission speed selected by said selector (CPU 123 of fig 4, see col.5, lines 35).

With respect to claim 12, Sakai et al. discloses the document scanning device (as shown in fig 1 and 2) wherein said controller means (10 of fig 4) controls a scanning speed of said scanner (1 of fig 4, see col.4, lines 1-3).

With respect to claim 13, Sakai et al. discloses the document scanning device (as shown in fig 1 and fig 2), further comprising an interface (I/F 120 of fig 4) for establishing a connection to an image processing apparatus, (121 of fig 4) wherein said transmitter facsimile 4 of fig 4) transmits the image data to said image processing apparatus (121 of fig 4) via said interface (interface 120 of fig 4).

With respect to claim 14, Sakai et al. discloses the document scanning device (as shown in fig 1 and 2), wherein said selector means (CPU 123 of fig 4, see col.5, 35-38), selects the transfer mode in accordance with parameters of said interface (I/F 120 of fig 4).

With respect to claim 15, Sakai et al discloses the document scanning device (as shown in fig 1 and 2), wherein said selector means ((CPU 123 of fig 4, see col.5, 35-38) selects the transfer mode based on an instruction received from said image processing apparatus (121 of fig 4), via said interface (120 of fig 4).

With respect to claim 16, Sakai et al. discloses an image processing apparatus (as shown in fig 1 and 2) comprising: a scanner (read 1 of fig 1), which scans an image on a document (document 102 of fig 2); and generates image data based on the image (read controller 10 of fig 4, generate image data based on the scanned image 102 of fig 2); a transmitter (facsimile 4 of fig 5), which transmits the image data from said scanner (1 of fig 2); a detector (detector 110 of fig 3) which detects whether the image data obtained from said scanner (CCD 109 of fig 3) are binary data per pixel or multilevel data per pixel and a controller (3 of fig 5) which controls a transfer path for the image data by said transmitter (facsimile 4 of fig 4) in accordance with a detection result by said detector (110 of fig 3).

With respect to claim 17, Sakai et al. the image processing apparatus (as shown in fig 1) wherein said controller (10 of fig 4) controls a scanning speed of said scanner, (selecting scanner speed as shown in fig 18).

With respect to claim 18, Sakai et al. the image processing apparatus (see fig 1 and 2) further comprising an interface (120 of fig 4) for establishing a connection to an image processing apparatus, (120 of fig 4) wherein said transmitter (fax 4 of fig 4) transmits the image data to said image processing apparatus (121 of fig 4) via said interface (I/F 120 of fig 4).

With respect to claim 19, Sakai et al. the image processing apparatus (as shown in fig of fig 1), wherein said controller (controller 10 of fig 4) selects the transfer mode in accordance with parameters of said interface (I/F of fig 4).

With respect to claim 20, Sakai et al. the image processing apparatus (as shown in fig of fig 1) wherein said controller (10 of fig 4) selects the transfer mode, based on an instruction received from said image processing apparatus (121 of fig 4) via said interface, (I/F 120 of fig 4).

With respect to claim 21, Sakai et al. a control method for a scanner (1 of fig 1) comprising the steps of scanning an image on a document (102 of fig 2); and generating image data based on the scanned image (read 1 of fig 1 generates the image); transferring the image data obtained in the generating step (input/output means facsimile 4 of fig 1); selecting a transfer mode for transferring the image data in the transferring step. (Selector or switch CPU 123 of fig 4, as a selector to select a transfer mode, see col. 5, line 35-38); and controlling the scanning operation (10 of fig 4, controls the overall operation of the device), performed in the scanning step in accordance with the transfer speed selected in the selecting step, see (col.11, lines 35-38).

With respect to claim 22, Sakai et al. the control method (as shown in fig 1) wherein said controlling step controls a scanning speed of said scanning means, (controller 10 of fig 4), control the scanning speed of the scanner, (see fig 18).

With respect to claim 23, Sakai et al. the control method (as shown in fig 4) further comprising an interfacing (I/F 120 of fig 4) step for establishing a connection to an image processing apparatus, (121 of fig 4), wherein said transferring step transfers the image data to said image processing apparatus (121 of fig 4) during said interfacing step.

With respect to claim 24, Sakai et al. discloses the control method (as shown in fig 4) wherein said selecting step selects (CPU 123 of fig 4, switch transfer) the transfer mode in accordance with parameters of said interfacing (interface 120 of fig 4) step.

With respect to claim 25, Sakai et al. discloses control method (as shown in fig 3) for an image processing apparatus, (121 of fig 4) comprising the steps of: inputting image data (read 1 of fig input means), for inputting image data (102 of fig 1); transferring the image data input in the inputting step (facsimile 4 of fig 4, a transfer means); determining () whether the image data input in the inputting step are binary data per pixel or multilevel data per pixel and controlling (read control 10 of fig 4) a transfer path for the image data in the transferring step in accordance with a determination result in the determining step.

With respect to claim 26, Sakai et al. discloses the control method (as shown in fig 4), wherein said controlling step controls an inputting speed (scanner speed , as shown in fig 18) of said inputting control the inputting speed ("scanner speed" determine in fig 8).

With respect to claim 27, Sakai et al. discloses the control method (as shown in fig 3) further comprising an interfacing (120 of fig 4) step for establishing a connection to an image processing apparatus (121 of fig 4, image processing), establish a connection to an image processing wherein said transferring (facsimile transfer 4 of fig

4) step transfers the image data to said image processing apparatus (121 of fig 4) during said interfacing (I/F 120 of fig 4) step.

With respect to claim 28, Sakai et al. discloses the control method (as shown in fig 3), wherein said controlling (3 of fig 2) step selects the transfer mode in accordance with parameters of said interfacing step, see (col.15, lines 25-30).

With respect to claim 29, Sakai et al. a computer (host computer 11 of fig 1) readable program (control program of the CPU 114 is stored in RAM 144 of fig 3, see col.4, lines 64-66), for controlling a scanner, (read 1 of fig 1), said computer-readable program (program of CPU 114 stored in RAM 116 of fig 3) stored in a storage medium said computer-readable program comprising the steps of scanning an image on a document, see (102 of fig 1); generating image data based on the scanned image (scanner unit (1 of fig 4) transferring the image data obtained in the generating step; selecting (CPU 123 of fig 3, a selecting means) a transfer mode for transferring the image data in the transferring step, (selecting the transfer speed is performed by CPU 123 of fig 4) ; and controlling the scanning operation (scanning operation is controlled by controller 3 of fig 20), performed in the scanning step in accordance with the transfer mode selected in the selecting step..

With respect to claim 30, Sakai et al. discloses the computer (host computer 11 of fig 1, readable program (application program for CPU 123 stored in RAM 116 fig 3), wherein said controlling step controls an inputting speed of said inputting step, see (step 801 of fig 8. setting moving speed of scanner, see (fig 18).

With respect to claim 31, Sakai et al. discloses the computer-readable program (program for CPU 123 stored in RAM 125 of fig 4), further comprising an interface (I/F of fig 4) step for establishing a connection to an image processing apparatus, (121 of fig 4) wherein said transferring step transfers (input/output transfer facsimile 4 of fig 4) the image data to said image processing apparatus (121 of fig 4) during said interfacing step, see (interface 120 of fig 4).

With respect to claim 32, Sakai et al. discloses the computer-readable program (program for CPU 123 stored in RAM 125 of fig 4), wherein said controlling step selects a transfer speed in accordance with parameters of said interfacing step, see (col.11, lines 25-30).

With respect to claim 33, Sakai et al. discloses a computer-readable program (program for CPU 123 stored in RAM 125 of fig 4), for controlling a scanner (3 of fig 1) said computer-readable program stored in a medium, (RAM 125 of fig 4), said computer-readable program ((program for CPU 123 stored in RAM 125 of fig 4) comprising the steps of: inputting image data (scanner 1 of fig 1, for inputting data); transferring the image data input in the inputting step, (input/output facsimile 4 of fig 5,

for transferring data between plurality of devices, see col.10, lines 36-38); determining (control 3 of fig 4, determine the read signal) whether the image data input in the inputting step are binary data per pixel or multilevel data per pixel, see (the contents such as values set at the operating unit, see (col.4, lines 55-58); and controlling (input/output control 3 of fig 4), a transfer path for the image data in the transferring step in accordance with a determination result obtained in the determining.

With respect to claim 34, Sakai et al. disclose the computer-readable program (application program stored in RAM 125 of fig 4), wherein said controlling step controls an inputting speed of said inputting step, see (setting scanning speed of the scanner step see fig 18, col.11, lines 25-30).

With respect to claim 35, Sakai et al. discloses the computer-readable program (program for CPU 123 stored in RAM 125 of fig 4), further comprising an interfacing step for establishing a connection to an image processing apparatus (121 of fig 4), interfacing (in reface 120 of fig. 4) step wherein said transferring step transfers the image data to said image processing apparatus (121 of fig 4) during said interfacing step.

With respect to claim 36, Sakai et al. discloses the computer-readable program (program for CPU 123 stored in RAM 125 of fig 4), wherein said controlling (output/input control 3 of fig 4), step selects a transfer mode in accordance with parameters of said interfacing (interface telephone line shown in fig.).

4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Moore, can be reached on (703) 308-7452.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Negussie Worku

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